

After a bruising week, the Legislative Assembly reckons with the Johnathan Davis shockwave

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In DepthThe shockwave from the news about Johnathan Davis spread unevenly through the Legislative Assembly.

Speaker Joy Burch found out by reading *The Canberra Times*. Chief Minister Andrew Barr was told on the way to board a plane for a holiday. Opposition Leader Elizabeth Lee read the story in the supermarket.

■ Watch: Greens leader Shane Rattenbury statement on allegations made against former Greens MLA Jonathan Davis.

It was about 10.30am last Friday when *The Canberra Times* revealed the ACT Greens were referring to police serious allegations of sexual misconduct by one of their own.

Since then, pointed and searching questions have been asked about Mr Davis' party leaders and when they first knew of the allegations that would end his political career and thrust the Assembly into what will be a prolonged period of inquiry and introspection.

The Greens had, for some days, been grappling internally with allegations Mr Davis, 31, had sex with a minor and had an inappropriate, but not illegal, relationship with a 17-year-old.

Mr Davis resigned from the Greens and the Legislative Assembly late on Sunday night. That morning the *Canberra Times* had detailed allegations made by a man, now 18, about the sexual relationship he had with Mr Davis when he was 17.



📷 Greens leader Shane Rattenbury, right, looks on as Johnathan Davis speaks to journalists in 2020. Picture by Sitthixay Ditthavong

The man claimed Mr Davis pressured him to keep their relationship secret because "people would have opinions but we've done nothing wrong" and asked for sexually explicit images.

The 18-year-old said he came forward because he did not have faith the Greens would name Mr Davis. "If the leader of the Greens won't, I will," he said.

Mr Davis, through a lawyer, has declined to comment on any allegations put to him.

The initial shock of the revelations soon gave way to a dramatic political rupture between Labor and the Greens.

Labor says it should have known earlier a government backbencher faced such serious allegations, and has questioned its coalition partner's handling of the allegations.

The Greens say they were trying their best to meet their obligations and be as transparent as possible. Greens leader Shane Rattenbury reflected this week there would be "lessons to be learned".

Mr Rattenbury, the ACT's Attorney-General, has also spoken of the uncertainty his office had when faced with allegations of potentially illegal explicit image sharing. That uncertainty in the office of the territory's first law officer has not gone unnoticed, either.

The Assembly, too?

In the week since, the ramifications have raised significant questions for the Assembly, which prides itself on being a safer, more progressive and family friendly workplace than Parliament House.

The Assembly does not sit into the night like it once did. Its members and staff don't travel long distances from their families to work here. The building is in the city, rather than encircled with a moat-like roundabout, making it easier to get outside. Access to fresh air is a good thing in the heat of any political moment.



📷 Deputy Chief Minister Yvette Berry, who on Tuesday announced an independent inquiry would review the Greens' handling of the Davis allegations. Picture by Karleen Minney

The apparent gaps in how the Greens were able to respond to allegations levelled at Mr Davis have demonstrated even the Assembly needs to improve.

Is the Assembly equipped to handle serious allegations against its members? Are the processes clear? If they are, are people actually familiar with them? How can we be sure this will never happen again?

An independent inquiry, announced on Tuesday by Deputy Chief Minister Yvette Berry, is set to have clear and concise terms of reference, examine what has happened and consider improvements to Assembly processes in the future.

More detail about the inquiry is expected to be announced next week.

Political storm brews

Late on Monday morning, Greens staffers filed into the back of the Assembly's ground-floor reception room. Cameras were already set up. They were there, still reeling from the news, to watch Mr Rattenbury explain how the Greens had handled the allegations.

Mr Rattenbury did not hold back in his disdain for the Labor party, which had issued a statement late the night before saying it had "many questions" about the Greens' actions.

"Every single member of Labor caucus has my telephone number and my email address. Not one of them contacted me across the course of the weekend or Friday to ask a single question," he said.

"I think one needs to look at the Labor party's statement last night and question the Labor party's integrity on this matter. For them to try and create a political advantage out of the most difficult and sensitive issue my party has ever faced reflects very poorly."

Labor and the Greens are used to political disagreements. This was something different.



📷 Opposition Leader Elizabeth Lee, who on Monday called for an independent inquiry. Picture by Elesa Kurtz

The Greens' Monday press conference, called in the spirit of transparency, did offer up a significant surprise: Greens minister Emma Davidson had known of the allegations a week before Mr Rattenbury.

The Canberra Liberals have honed in on this issue. Did Ms Davidson give Mr Davis an early heads up to the allegations? There is absolutely no evidence to suggest she did.

Should this have meant the party acted sooner? Mr Rattenbury has repeatedly defended the party's handling of the issues.

"We took an approach we thought was appropriate. The information that first came to us - I don't seek to, in any way denigrate the nature of it, but it came to us in a form that was what one might consider to be a rumour," Mr Rattenbury said.

"We work in an area where rumours circulate frequently. People often circulate rumours in this environment. And we decided that we needed to have some degree of confidence that we were simply not acting on what could be an untrue rumour."

The party released a report, written by Mr Rattenbury's executive chief of staff, outlining the timeline and party's handling of the allegations.

It's clear the party released the document in an effort to be upfront. But more information meant there was more to pick through.

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The young man who provided information to the Greens told *The Canberra Times* he specifically raised the issue of explicit image sharing with the party, which is not reflected in the outline of his conversation in the report.

It is a Commonwealth offence for a person to transmit, access or solicit child abuse material of a child aged under 18.

The law defines child abuse material to include depictions of a person under 18 engaged in an offensive sexual pose, or which depicts a sexual organ of a person aged under 18 for a sexual purpose "in a manner which reasonable persons would regard as being, in all the circumstances, offensive".

Mr Rattenbury on Monday said the party was aware of the claims intimate images had been shared with Mr Davis by the young person.

"We considered the legislation, certainly ACT law. We were not able to identify any offences, but again, acknowledging the complexity of the matter and particularly the suggestion of the sharing of intimate images, that was another reason we felt it was appropriate and important to report these matters to ACT Policing," he said.

Crossing the threshold

A criminal finding may never be made against Mr Davis; no complaint has been made to police. A level of discomfort, among rank-and-file Greens members and others, has emerged over Mr Davis' rapid resignation. Whatever happened to the presumption of innocence until proven guilty?

Politicians are held to a different standard. Mr Rattenbury on Wednesday said he thought Mr Davis was right to resign and that he did not have a future in politics.

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Community expectations demand politicians act sooner than waiting for a criminal finding. This comes as no surprise to the politicians, who know the deal from the time they get themselves on a ballot paper.

All three parties in the Assembly were clear: Mr Davis' position had become untenable. Labor said so immediately after the allegations were made public. The Greens have never suggested otherwise.

The great challenge for parliaments in responding to harassment, inappropriate behaviour and allegations is finding a way to manage what are non-political issues in a highly political environment.

A complaint - let alone a finding - has significant political import. The response system must be robust and operate beyond politics but remain alert to political fallout. No one says this is easy to get right.

An inquiry into the Greens' handling of the allegations levelled at Mr Davis will provide more useful detail about the decisions taken. It's the right thing to do. Done well, it could make suggestions for Assembly wide improvements.

But that still won't heal all the wounds of the Legislative Assembly's most bruising week.

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